

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,	:	Case No. 1:00cr111-1
	:	
	:	(Judge Susan J. Dlott)
vs.	:	
	:	
GREGORY GALLATIN,	:	
	:	

**SUPPLEMENT TO
SENTENCING MEMORANDUM OF GREGORY GALLATIN**

Now comes Defendant Gregory Gallatin, by and through his undersigned counsel, and hereby submits the following supplement to his previously filed sentencing memorandum:

1. Post-Conviction Rehabilitation

As pointed out in Gallatin's original Sentencing Memorandum, Gallatin has been a model inmate and has been extraordinarily successful in his rehabilitation. Gallatin asks this Court to consider his remarkable efforts when it passes sentence. Gallatin would also point out that in the past, the Sixth Circuit recognized the power of the sentencing court to depart downward on the basis of post-sentence rehabilitation after an earlier (now vacated) sentence for the same crime. See, *United States v. Rudolph*, 190 F.3rd 720 (6th Cir. 1999).

2. Gallatin's Criminal History Overstated.

For some reason, when Gallatin's original sentencing memorandum was transferred to a .pdf file the footnotes were deleted. In support of Gallatin's claim that his petty shoplifting offenses overstated his criminal history, Gallatin submits that some courts have held that shoplifting should not be counted because it is similar to the minor offenses listed under § 4A1.2(c)(1). See *United States v. Lopez-Pastrana*, 244 F.3d 1025 (9th Cir. 2001) (holding that shoplifting is similar to passing an insufficient funds check, and should not be counted in criminal history.)

WHEREFORE, Gregory Gallatin submits these additional factors in support of his request that this Court impose a sentence of 46-48 months in the Bureau of Prisons.

Respectfully Submitted,

/s/ Bryan R. Perkins

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CERTIFICATE OF SERVICE

A copy of this Sentencing Memorandum was served upon Kenneth Parker, Asst. U.S. Attorney, through the CM-ECF system on this 25th day of October, 2005.

/s/ Bryan R. Perkins

Bryan R. Perkins
Attorney for Defendant